

MESSAGE NO: 0104305 MESSAGE DATE: 04/14/2010

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: 75 FR 15412 FR CITE DATE: 03/29/2010

REFERENCE 7312204
MESSAGE #
(s):

CASE #(s): A-570-806

EFFECTIVE DATE: 02/23/2010 COURT CASE #: 07-00386

PERIOD OF REVIEW: TO

PERIOD COVERED: 06/01/2005 TO 05/31/2006

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR SILICON METAL FROM THE PEOPLE'S
REPUBLIC OF CHINA EXPORTED BY JIANGXI GANGYUAN SILICON INDUSTRY CO., LTD.
OR SHANGHAI JINNENG INTERNATIONAL TRADE CO., LTD. (A-570-806)

1. ON 02/23/2010, THE COURT OF APPEALS FOR THE FEDERAL CIRCUIT (CAFC) DISMISSED THE APPEAL OF GLOBE METALLURGICAL INC. V. UNITED STATES, ET AL., COURT NO. 07-00386. AS A RESULT OF THIS DISMISSAL, THE INJUNCTION TO WHICH MESSAGE 7312204 REFER ENJOINING LIQUIDATION OF ENTRIES WHICH ARE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON SILICON METAL FROM THE PEOPLE'S REPUBLIC OF CHINA ("PRC") FOR PERIOD 06/01/2005 THROUGH 05/31/2006 PRODUCED AND EXPORTED BY JIANGXI GANGYUAN SILICON INDUSTRY CO., LTD. OR PRODUCED BY DATONG JINNENG INDUSTRIAL SILICON CO., LTD. AND EXPORTED BY SHANGHAI JINNENG INTERNATIONAL TRADE CO., LTD. DISSOLVED ON 02/23/2010.

2. FOR ALL SHIPMENTS OF SILICON METAL FROM THE PRC PRODUCED AND EXPORTED BY JIANGXI GANGYUAN SILICON INDUSTRY CO., LTD. OR PRODUCED BY DATONG JINNENG INDUSTRIAL SILICON CO., LTD. AND EXPORTED BY SHANGHAI JINNENG INTERNATIONAL TRADE CO., LTD. AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 06/01/2005 THROUGH 05/31/2006, ASSESS ANTIDUMPING LIABILITY OF THE ENTERED VALUE LISTED BELOW.

PRODUCER: JIANGXI GANGYUAN SILICON INDUSTRY CO., LTD.

EXPORTER: JIANGXI GANGYUAN SILICON INDUSTRY CO., LTD.

FINAL RATE: 71.57%

PRODUCER: DATONG JINNENG INDUSTRIAL SILICON CO., LTD.

EXPORTER: SHANGHAI JINNENG INTERNATIONAL TRADE CO., LTD.

FINAL RATE: 50.41%

3. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 06/01/2005 THROUGH 05/31/2006 OCCURRED WITH THE PUBLICATION OF THE AMENDED FINAL RESULTS OF NEW SHIPPER REVIEWS (75 FR

15412, 03/29/2010). FOR ALL OTHER SHIPMENTS OF SILICON METAL FROM THE PRC YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

4. THERE ARE NO INJUNCTIONS APPLICABLE TO THE ENTRIES COVERED BY THIS INSTRUCTION.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(F)(2) OF COMMERCE'S DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE MANUFACTURER, PRODUCER, SELLER, OR EXPORTER, TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O9:JH).

8. THERE ARE NO RESTRICTIONS ON THE RELEASES OF THIS INFORMATION.

FLORENCE CONSTANT

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party

Case #	Rate	Party Indicator*	Party ID	Party Name
A-570-806-004	50.41%	E		SHANGHAI JINNENG INTERNATIONAL TRADE CO., LTD.
A-570-806-004		M		DATONG JINNENG INDUSTRIAL SILICON CO., LTD.
A-570-806-005	71.57%	E		JIANGXI GANGYUAN SILICON INDUSTRY CO., LTD.